

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #16	CCRB Case #: 201704566	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/12/2017 4:08 PM	Location of Incident: [REDACTED]	Precinct: 34	18 Mo. SOL 11/12/2018	EO SOL 11/12/2018	
Date/Time CV Reported Thu, 06/08/2017 12:05 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 06/08/2017 12:05 PM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Subject Officer(s)	Shield	TaxID	Command		
1. POM Michael Quinones	29678	953282	034 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POF Kathleen Myers	11438	953165	034 PCT		
Officer(s)	Allegation	Investigator Recommendation			
A.POM Michael Quinones	Discourtesy: Police Officer Michael Quinones spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]			
B.POM Michael Quinones	Discourtesy: Police Officer Michael Quinones spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]			

Case Summary

On June 8, 2017, § 87(2)(b) filed this complaint with the CCRB online.

On May 12, 2017, at approximately 4:08 p.m., § 87(2)(b) was driving on West 187th Street in the Bronx. As she was passing through the intersection of West 187th Street and Broadway, her car was struck by a marked police vehicle containing PO Michael Quinones and PO Kathleen Myers of the 34th Precinct. § 87(2)(b)'s vehicle collided with two other vehicles, went into reverse, pulled forward, and collided with those vehicles again. PO Quinones stated in his CCRB interview that he exited his vehicle and told § 87(2)(b) "Stop the fucking vehicle" (**Allegation A**). § 87(2)(b) alleges that after her vehicle came to a halt, PO Quinones approached her vehicle and stated, "You fucking idiot. Did you see what you just did? Did you see what you just did? You're such an idiot. You are so stupid. Just give me your fucking license and registration." PO Quinones also allegedly told PO Myers, "Oh, she is just a fucking idiot. Just get the license and the stupid registration," while § 87(2)(b) was present. (**Allegation B**). § 87(2)(b) complained of dizziness as a result of the accident and was taken away in an ambulance. As she was being received by the responding EMTs, PO Myers issued § 87(2)(b) a summons § 87(2)(b).

Both PO Quinones and PO Myers were wearing body-worn cameras during the incident. The only footage recorded by PO Quinones on the date of the incident begins eight seconds before 4:12 p.m., and captures no interaction with § 87(2)(b). PO Myers did not activate her body-worn camera on the date of the incident.

This case has video evidence. SnagIt copies of excerpts have been placed below. These excerpts can also be located at Board Reviews 8, 9 and 10. Please note that the full video can be found at Board Review 13 and the transcription of this video can be found at Board Review 14.



201704566_20170831_1509_DM.mp4



201704566_20170831_1511_DM.mp4



201704566_20170912_0930_DM.mp4

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was determined to be ineligible for mediation as a result of damage sustained to § 87(2)(b)'s vehicle.
- § 87(2)(b) filed a Notice of Claim in regard to this incident on § 87(2)(b), requesting an unknown total in damages (Board Review 01). A 50(h) hearing was held in relation to

this case on § 87(2)(a) Gen.Mun. (Board Review 12). The status of the claim is currently unknown. A FOIL request for this information was filed on September 22, 2017 and is currently pending.

- § 87(2)(b) has not been arrested in New York City within the last ten years (Board Review 02).

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first complaint with the CCRB (Board Review 03).
- PO Quinones has been a member of the NYPD for four years. In that time, he has been the subject of 14 prior CCRB allegations in five cases, none of which have been substantiated. Two of these allegations involved discourteous language, the dispositions of which are noted below.
 - CCRB 201505100: Unsubstantiated.
 - CCRB 201701789: Complaint Withdrawn

Findings and Recommendations

Allegation A - Discourtesy: Police Officer Michael Quinones spoke discourteously to

§ 87(2)(b)

It is undisputed that § 87(2)(b)'s vehicle was struck by a marked police vehicle driven by PO Quinones, in which PO Myers was seated as a passenger. PO Quinones affirmed during his CCRB interview that he told § 87(2)(b) "Stop the fucking vehicle," and stated that he did so to prevent § 87(2)(b) from fleeing and to protect the occupants of other vehicles involved in the crash (Board Review 06).

In her verified interview at the CCRB, § 87(2)(b) stated that she did not observe anything unusual upon approaching the intersection of West 187th Street and Broadway, and that she had a green light (Board Review 04). Upon being struck by PO Quinones, her vehicle started to spin out of control, which caused her to strike two other vehicles stopped at the light. § 87(2)(b) described her state as disoriented and confused as a result of the strike. § 87(2)(b) stated that she then accidentally moved her vehicle in reverse, striking the two vehicles again, before coming to a stop. § 87(2)(b) made no mention of PO Quinones instructing her to stop at any point during the incident. § 87(2)(b)'s phone statement was consistent with her verified interview, § 87(2)(b), § 87(2)(g), § 87(2)(h).

In his CCRB statement, PO Quinones stated that he entered the intersection of West 187th Street and Broadway with lights and sirens engaged (Board Review 06). Upon striking § 87(2)(b)'s car with his patrol vehicle, PO Quinones stated that § 87(2)(b) collided with two other vehicles, and then proceeded to back up and pull forward — ramming into the vehicles a second time — before moving in reverse again (Board Review 06). As a result of this, PO Quinones believed that § 87(2)(b) was attempting to flee the scene of the accident. In the interest of preventing this, and out of concern for the safety of the occupants of the vehicles § 87(2)(b) had struck previously, PO Quinones exited his patrol vehicle, which was positioned in the middle of the intersection, and shouted at § 87(2)(b) to "stop the fucking vehicle." § 87(2)(b) did not stop immediately upon being issued this instruction; but rather pulled forward, colliding with the other vehicles a third time, before backing up and ultimately coming to a halt. PO Quinones stated that he and PO Myers were approximately 15-20 feet away from § 87(2)(b)'s vehicle at this time, with

PO Myers positioned directly behind him. PO Quinones then went “back towards the intersection” to check that his vehicle was not leaking any fluids, and to notify the appropriate parties of an on-duty vehicle accident. PO Quinones also spoke to the drivers of the vehicles § 87(2)(b) had struck. PO Quinones had no further interactions with § 87(2)(b) on the date of the incident.

PO Myers’ CCRB statement is consistent with PO Quinones’, with the following exceptions: PO Myers stated that § 87(2)(b)’s vehicle was stopped at the time that she and PO Quinones exited their vehicle, and makes no mention of a third impact with the two vehicles § 87(2)(b) had struck (Board Review 07). PO Myers stated that she and PO Quinones approached § 87(2)(b)’s vehicle, at which point it became apparent that § 87(2)(b) was merely shaken up and not trying to flee. PO Myers denied hearing PO Quinones use profanity while speaking to § 87(2)(b) and did not mention PO Quinones telling § 87(2)(b) to stop at any point in her account.

Although both PO Quinones and PO Myers were wearing body-worn cameras, neither officer recorded this portion of the interaction.

Patrol Guide Procedure 203-09 states that officers must be “courteous and respectful” in dealing with members of the public (Board Review 11).

In Disciplinary Case No. 2013-10143, the administrative courts deemed that an officer’s use of profanity was permissible, and noted that “[The Deputy Commissioner of Trials] has consistently held that while police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations” (Board Review 15).

The Deputy Commissioner of Trials has previously addressed the question of whether an officer’s use of profanity during a stressful street encounter constitutes misconduct, and consistently given members of service a wide degree of latitude in that respect. § 87(2)(g), § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation B - Discourtesy: Police Officer Michael Quinones spoke discourteously to

§ 87(2)(b) stated in her CCRB interview that upon PO Quinones and PO Myers approaching her vehicle, PO Quinones said, “You fucking idiot. Did you see what you just did? Did you see what you just did? You’re such an idiot. You are so stupid. Just give me your fucking license and registration” (Board Review 04). § 87(2)(b) stated that she then began to cry. PO Myers then told PO Quinones to calm down and stated that she should handle the issue, to which PO Quinones said, “Oh, she is just a fucking idiot. Just get the license and the stupid registration.” PO Myers then told PO Quinones to walk away, at which point § 87(2)(b) did not have any further interaction with PO Quinones. § 87(2)(b)’s phone statement is consistent with her verified interview (Board Review 05). Additionally, § 87(2)(b) noted in her phone statement that she

requested an ambulance because she was not feeling well, and stated that she felt dizzy following the accident.

§ 87(2)(b), § 87(2)(a) Gen. Mun. § 50-h(3)

§ 87(2)(b) stated that her vehicle came to a stop in the middle of the intersection following the accident. § 87(2)(b) also stated that PO Quinones and PO Myers were standing by the driver's side door of her vehicle at the time PO Quinones cursed at her. Additionally, § 87(2)(b) stated that once PO Quinones stepped off to the side, he positioned himself approximately three feet away from § 87(2)(b)'s vehicle.

In his sworn statement to the CCRB, PO Quinones denied having any interaction with § 87(2)(b) aside from instructing her to “stop the fucking vehicle” from a distance of approximately 15-20 feet (Board Review 06). PO Myers was directly behind him at this time. PO Quinones denied using profanity at any other time. PO Quinones stated that he could not ascertain the demeanor of § 87(2)(b) while interacting with her, because she was still in her vehicle and he was positioned at an angle. He made no mention of PO Myers telling him to walk away or of at any point coming within 15-20 feet of § 87(2)(b)'s vehicle.

PO Myers stated that PO Quinones spoke first upon approaching § 87(2)(b)'s vehicle, and characterized his demeanor at the time as “upset” (Board Review 07). PO Myers was unable to recall what PO Quinones said upon approaching § 87(2)(b)'s vehicle, and was unable to describe what led her to believe that PO Quinones was upset, other than stating, “[PO Quinones] has a deep voice, he was loud.” She further stated that PO Quinones appeared “overwhelmed” at the time, and that as a result she told him to step off to the side. PO Myers recalled § 87(2)(b) crying at this time, but could not recall if she started crying before or after she was addressed by PO Quinones. PO Myers denied hearing PO Quinones use profanity while speaking to § 87(2)(b). PO Myers could not recall if PO Quinones asked § 87(2)(b) for her license and registration during the incident.

The body-worn camera footage captured by PO Quinones on the date of the incident begins 52 seconds after 4:11 p.m. and concludes 13 seconds after 4:27 p.m. PO Quinones is depicted at the outset of this footage speaking with PO Myers and one of the drivers struck by § 87(2)(b). While speaking to these individuals, PO Quinones states, “Yeah, she fucked up this one. Cause she went in reverse, and she went forward, twice. I thought she was trying to leave” (Board Review 08). PO Quinones then approaches the other driver who was hit by § 87(2)(b) who asks PO Quinones if § 87(2)(b) was trying to leave. PO Quinones responds, “I don’t know, that’s what I thought. That’s why I came over to the car” (Board Review 08). PO Quinones is also depicted moving his patrol vehicle to the side of the road, while stating to himself, “Fucking people, man” (Board Review 09). After exiting the vehicle, PO Quinones converses with various officers responding to the scene, in the course of which PO Quinones states, “Fuck you” to another officer (Board Review 10).

§ 87(2)(g), § 87(2)(b)

§ 87(2)(b) § 87(2)(g), § 87(2)(b)
[Redacted]
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[Redacted]
[Redacted]

Squad: 16

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date